

	)	
UNITED STATES OF AMERICA and	)	
THE STATE OF WISCONSIN,	)	
	)	
Plaintiffs,	)	Civil Action No. 10-C-910
	)	
v.	)	Hon. William C. Griesbach
	)	
NCR CORPORATION, <i>et al.</i>	)	
	)	
Defendants.	)	
	)	

In a March 28, 2011 submission to the Environmental Protection Agency and the Wisconsin Department of Natural Resources, the limited liability company formed by Appleton Papers Inc. and NCR Corporation rejected specific directives by those agencies and announced a plan to scale-back the amount of remedial dredging that would be done at the Lower Fox River and Green Bay Superfund Site in 2011, as shown in the last column of this table from that submission:

	Non-TSCA Required Including 6 Inch Overdredge (cy)				TSCA (cy)	Total Required (cy)
	OU2	OU3	OU4	Non-TSCA Total		
2009 <sup>a</sup>	3,009	126,351	407,808	537,168	7,367	544,535
2010 <sup>b</sup>	0	45,576	685,441	731,017	0	731,017
2011 <sup>b</sup>	0	64,547	185,453	250,000	0 <sup>c</sup>	250,000
<b>Total</b>	<b>3,009</b>	<b>236,474</b>	<b>1,278,702</b>	<b>1,518,185</b>	<b>7,367</b>	<b>1,525,552</b>

- Volumes for 2009 and 2010 reflect approximate actual volumes achieved.
- Dredge volumes for 2011 and beyond are estimated, and include residual dredging.
- TSCA material may be dredged and processed in 2011 as discussed in this RAWP.

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In a weekly meeting that occurred on June 29<sup>th</sup>, the Resident Manager for the API/NCR limited liability company informed EPA and WDNR representatives that the companies' contractor team has been directed to stop all dredging work at the end of this week because the contractors will soon reach or approach the companies' 250,000 cubic yard dredging target for 2011. After taking next week off for the July 4<sup>th</sup> holiday and maintenance activities, some additional sediment capping and sand covering work would be performed but that non-dredging work would likely be completed in late August. At that point, the API/NCR contractors would suspend all remediation work at the Site.

As detailed in the materials filed in support of its motion for a preliminary injunction, the United States contends that a slowdown or cessation of dredging and other remediation work at the Site violates EPA's Unilateral Administrative Order and should be enjoined under 42 U.S.C. § 9606.

Respectfully submitted,

For the United States of America

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The undersigned hereby certifies that, on this day, the foregoing Status Report was filed electronically with the Clerk of the Court using the Court's Electronic Court Filing System, which sent notification of such filing to the following counsel:

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